

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## JOHN EMMETT BROWN,

Petitioner,

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UNITED STATES OF AMERICA,

### Respondent.

CASE NO. C20-929 MJP

**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL**

This matter comes before the Court on Petitioner's motion for appointment of counsel (Dkt. No. 2). The Court, having reviewed Petitioner's motion and the related record, DENIES the motion.

There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2255 unless an evidentiary hearing is required. See Terrovona v. Kincheloe, 852 F.2d 424, 429 (9th Cir. 1988); Brown v. Vasquez, 952 F.2d 1164, 1168 (9th Cir. 1991), cert. denied, 503 U.S. 1011 (1992); and Rule 8(c) of the Rules Governing Section § 2255 Cases in the United States District Courts. The Court may exercise its discretion to appoint counsel for a financially eligible individual where the “interests of justice so require.” 18 U.S.C. § 3006A. However, Petitioner

1 fails to satisfy the Court that the interests of justice are best served by appointment counsel at  
2 this juncture. If the Court later orders an evidentiary hearing, the Court will appoint counsel if  
3 Petitioner qualifies.

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5 The clerk is ordered to provide copies of this order to all counsel.

6 Dated July 16, 2020.

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9 Marsha J. Pechman  
10 United States Senior District Judge

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